



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: DECEMBER 3, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: TXT-36495 - APPLICANT/OWNER: CITY OF LAS VEGAS

** CONDITIONS **

STAFF RECOMMENDATION: APPROVAL

1. Title 19.04.010 is hereby amended as follows:

19.04.010 LAND USE TABLES

**Table 2 – Land Use Table
Auto & Marine Related**

USE	RESIDENTIAL												COMMERCIAL					INDUSTRIAL			
Motor Vehicle Sales (New)	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
																		C		C	C
	<p>Description: A facility or area for the display and sale or leasing of new automobiles, trucks, motorcycles and motor scooters <u>but excludes mopeds</u>. This use includes service bays and auto body shops which are incidental and accessory to the sales use.</p> <p>Conditional Use Regulations:</p> <ol style="list-style-type: none">1. Motor vehicle sales may include an outdoor used car sales lot when operated by a franchised, new car dealer. The used car sales shall be located directly adjacent to the new car sales and service facility and be operated as an incidental use.2. The installation and use of an outside public address or bell system is prohibited.3. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.4. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.5. All accessory service shall be performed inside an enclosed area.6. Openings in service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.7. Accessory automobile rental is permitted.*8. Any motor vehicle sales use to be located north of Cheyenne Avenue must be within the GC-TC land use designation. <p>On-site Parking Requirement: One space for each 500 square feet of enclosed gross floor area. Vehicles that are on display or for sale may not be parked or stored in parking spaces that are designated as off-street parking necessary to meet the minimum requirements of this Table 2. The parking and storage of such vehicles must occur only in spaces that are in excess of the required minimum parking.</p>																				

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USE	RESIDENTIAL												COMMERCIAL					INDUSTRIAL				
Motor Vehicle Sales (Used)	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M	
																		S		C	C	
	Description: A facility or area used primarily for the display and sale or leasing of used automobiles, motorcycles and motor scooters <u>but excludes mopeds</u> . This use includes service bays and auto body shops which are incidental and accessory to the sales use.																					
	Conditional Use Regulations: 1. The installation and use of an outside public address or bell system is prohibited. 2. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building. 3. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land. 4. Openings in service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties. 5. Accessory automobile rental is permitted.																					
	Special Use Permit Requirements: 1. The minimum site area designated for this use shall be 25,000 square feet. 2. The installation and use of an outside public address or bell system is prohibited. 3. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building. 4. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land. 5. Openings in service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties. 6. Accessory automobile rental is permitted.																					
On-site Parking Requirement: One space for each 500 square feet of enclosed gross floor area designated for this use. Vehicles that are on display or for sale may not be parked or stored in parking spaces that are designated as off-street parking necessary to meet the minimum requirements of this Table 2. The parking and storage of such vehicles must occur only in spaces that are in excess of the required minimum parking.																						

USE	RESIDENTIAL												COMMERCIAL					INDUSTRIAL				
Motorcycle/Motor Scooter Sales	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M	
																	S					
	Description: A facility or area for the display and sale of motorcycles and motor scooters <u>but excludes mopeds</u> , whether new or used. This use includes service bays which are incidental and accessory to the sales use. The term "motorcycle/motor scooter sales" is used for the sole purpose of allowing the use by means of Special Use Permit in the C-1 District. For all other purposes, the use described here shall be treated under the appropriate category of motor vehicle sales.																					
	Minimum Special Use Permit Requirements: 1. All display and sales shall take place in an enclosed building. 2. The minimum gross floor area of the building (or tenant space) that is dedicated to this use shall be 7000 square feet.																					
	On-site Parking Requirement: One space for each 250 square feet of gross floor area.																					

2. Title 19.20.020 is hereby amended as follows:

Moped. A motor-driven scooter, motor-driven cycle or similar vehicle that is propelled by a small engine which produces not more than 2 gross brake horsepower, has a displacement of not more than 50 cubic centimeters or produces not more than 1500 watts final output, and is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged. The sale of items described in this definition shall be treated under the appropriate retail use category.

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Motor Vehicle Sales (New). A facility or area for the display and sale or leasing of new automobiles, trucks, motorcycles and motor scooters but excludes mopeds. The term includes service bays and auto body shops which are incidental and accessory to the sales use.

Motor Vehicle Sales (Used). A facility or area used primarily for the display and sale or leasing of used automobiles, motorcycles and motor scooters but excludes mopeds. The term includes service bays and auto body shops which are incidental and accessory to the sales use.

Motorcycle/Motor Scooter Sales. A facility or area for the display and sale of motorcycles and motor scooters but excludes mopeds, whether new or used. The term includes service bays which are incidental and accessory to the sales use. The term is used for the sole purpose of allowing the use by means of Special Use Permit in the C-1 District. For all other purposes, the use described in this definition shall be treated under the appropriate category of motor vehicle sales.

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**** STAFF REPORT ****

APPLICATION REQUEST

This is a request to amend Table 2 of Title 19.04.010 and Title 19.20 to modify the descriptions and definitions related to motor vehicle sales uses to exclude motor scooters with an engine capacity of less than 50cc from the applicability of the motor vehicle sales related standards. Said motor scooters are defined by Nevada Revised Statutes (NRS) as mopeds.

BACKGROUND INFORMATION

Under existing use standards there is no distinction made between a motor scooter and a moped based on engine capacity and performance. Motor scooters are subject to the same use standards as automobiles, trucks, and motorcycles.

NRS does not require a vehicle dealer's license unless the vehicle is required to be registered. Further, mopeds as defined by NRS do not require insurance or registration. A driver's license is not required unless the moped will be operated on a public street.

ANALYSIS

The proposed amendment would clarify that motor scooters that qualify as mopeds are excluded from the use descriptions of the various motor vehicle sales uses (Motor Vehicle Sales (New), Motor Vehicle Sales (Used) and Motorcycle/Motor Scooter Sales). Instead a motor scooter that meets the definition of a moped may be sold under a general retail use.

A definition for moped is proposed to be added that defines a moped as a motor-driven scooter, motor-driven cycle or similar vehicle that is propelled by a small engine which produces not more than 2 gross brake horsepower, has a displacement of not more than 50 cubic centimeters or produces not more than 1500 watts final output, and is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged. This definition is consistent with NRS and Nevada Department of Motor Vehicles (NDMV) definitions.

Any motor scooter that produces more than 2 gross brake horsepower, or has a displacement of more than 50 cubic centimeters (50 cc), or produces not more than 1500 watts final output, or is capable of exceeding thirty miles per hour (30 mph) on a flat grade, thus exceeding the definition of a moped as proposed, would be considered a motorcycle.

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The amendment as proposed makes a minor clarification that is in line with state registration and licensing requirements. Therefore, staff recommends approval of this amendment.

FINDINGS

The proposed text amendment will accomplish the following:

- Clarify that motor scooters with a displacement of 50 cc or less is a moped and excluded from the various motor vehicle sales use descriptions and definitions.
- Allow the sale of motor scooters that meet the defined qualifications for a moped under general retail use categories.

The following table summarizes all proposed changes:

Code Requirements	Existing Regulations	Proposed Regulations
Title 19.04.010 Land Use Tables – Motor Vehicle Sales (New), Motor Vehicle Sales (Used) and Motorcycle/Motor Scooter Sales	• No exclusion made for mopeds.	• Excludes mopeds from the description.
Title 19.20.020 Words and Terms Used – Motor Vehicle Sales (New), Motor Vehicle Sales (Used) and Motorcycle/Motor Scooter Sales	• No exclusion made for mopeds.	• Excludes mopeds from the description.
Title 19.20.020 Words and Terms Used – Moped	• N/A	• Definition added consistent with NRS and the NDMV

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0

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